

Patent
Attorney Docket: 844,004-263
(prev 269/132)

REMARKS

Claims 1, 3-15, 17-26, 39 and 40 are pending. Claims 1 and 13 have been amended. Claim 1 has been amended to include the claimed feature that the microstructure is moveable toward the passivation layer. Claim 1 has also been amended to correct a typographical error that repeated a portion of the text of the claim. Claim 13 has likewise been amended to recite the claimed feature that the beam is moveable toward the passivation layer.

Initially, Applicant thanks the Examiner for allowing Applicant's representative to discuss the pending rejection of the claims over the Silverbrook reference via a telephone interview held on September 16, 2003. As stated in the interview, the claimed MEMS apparatus is directed to the alleviation of stiction between a microstructure/beam and a passivation layer patterned with a plurality of spaced protuberances. The plurality of spaced protuberances reduce the potential contact area between the microstructure/beam and the substrate when the microstructure/beam is pulled down, thereby reducing adhesive forces between the microstructure/beam and substrate and the likelihood of stiction. See Specification, page 5, lines 19-22. It was agreed that the present amendments to claims 1 and 13 distinguish over the Silverbrook reference. The nozzle plate (41) in Silverbrook is not moveable toward the PTFE layer (22) and nitride passivation layer (13). In addition, Silverbrook does not concern or address stiction alleviation.

OK

Patent
Attorney Docket: 844,004-263
(prev 269/132)

Applicant submits that the claims are allowable. A notice of allowability is respectfully requested.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 9/16/03

By: 

Michael S. Davidson
Reg. No. 43,577
Attorneys for Applicant

MSD/dnd

Customer No.

34263

PATENT TRADEMARK OFFICE

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

IR1:1047658.1

RECEIVED
CENTRAL FAX CENTER

SEP 17 2003

OFFICIAL